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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,353	06/18/2001	Glenn R. Engel	10003415-1	2420
22878 7590 06/25/2009 AGILENT TECHNOLOGIES INC. INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT. MS BLDG. E P.O. BOX 7599 LOVELAND, CO 80537				
EXAMINER				
PATEL, NIKETA I				
ART UNIT		PAPER NUMBER		
2181				
NOTIFICATION DATE		DELIVERY MODE		
06/25/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPOPS.LEGAL@agilent.com

Office Action Summary

Application No.

09/884,353

Applicant(s)

ENGEL ET AL.

Examiner

NIKETA I. PATEL

Art Unit

2181

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/02)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 01/17/2008 have been fully considered but they are not persuasive. Applicant argues that the Teng reference does not disclose the limitation of "...a confirmation server that responds to the HTTP request by generating an HTTP response on the communication network such that the HTTP response carries configuration data to the device".

Examiner respectfully disagrees with this argument. Teng discloses system and method that utilizes HTTP protocol that provides means for the remote installation of a printer device to work transparently on both intranets and the Internet [see column 4, lines 10-12.] Column 6, lines 39-67 and column 7, lines 1-28 of Teng describe the details of communication between a client and a server that uses the HTTP protocol to issue request for configuration data and a response comprising the configuration data. Furthermore, the limitation of claim 21 only requires a device that is capable of performing at least one behavior including issuing HTTP request. The device of Teng is capable of performing at least one behavior including issuing HTTP request.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects

for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21-22, 29 and 33-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Teng et al U.S. Patent Number: 6,094,679 (hereinafter "Teng").
4. Referring to claims 21, 33, Teng teaches, in taking claim 21 as exemplary, a system, comprising: device [see figure 3, element 20] that is capable of performing at least one behavior according to a set of configuration data [see column 6, lines 39-67 and column 7, lines 1-28 and figures 2-4] that provides a set of parameters that govern the behavior [see column 6, lines 39-67 and column 7, lines 1-28 and figures 2-4], the device generating an HTTP request [see column 6, lines 39-67 and column 7, lines 1-28 and figures 2-4] on a communication network such that the HTTP request specifies a URL associated with the configuration data [see column 6, lines 39-67 and column 7, lines 1-28 and figures 2-4]; configuration server that responds to the HTTP request by generating an HTTP response [see column 6, lines 39-67 and column 7, lines 1-28 and figures 2-4] on the communication network such that the HTTP response carries the configuration data to the device [see column 6, lines 39-67 and column 7, lines 1-28 and figures 2-4.]
5. Referring to claim 22, 34, Teng teaches, in taking claim 22 as exemplary, wherein the configuration data includes a command and an associated set of parameters for the command which are to be interpreted and executed by a processor in the device [see column 6, lines 39-67 and column 7, lines 1-28 and figures 2-4.]

6. Referring to claim 29, Teng teaches further comprising a local network that enables communication among the device and a set of additional devices [see column 6, lines 39-67 and column 7, lines 1-28 and figures 2-4.]

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 23-26 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng as applied to claims 21 and 33 above, and further in view of Devine et al. U.S Patent Application Publication No: 2005/0210296 A1 (hereinafter '*Devine*').)

9. Referring to claims 23, 25, 35, 37, Teng teaches limitations set forth above however does not set for the limitations of wherein the HTTP request is an HTTP POST that includes a set of data associated with a periodic heartbeat of the device. *Devine* teaches collecting a heartbeat and an alarm data in order to determine the status of the device connected to the network [see *Devine* paragraphs 94, 132.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the device configuration system of Teng to be able to monitor status of the device by collecting a heartbeat and an alarm

data. It is for this reason that one of ordinary skill in the art would have been motivated to collect data associated with heartbeat and an alarm data.

10. Referring to claims 24, 36, the combination of Teng and *Devine* teaches wherein the HTTP request is an HTTP POST that includes a set of data associated with an error detected by the device [see *Devine* paragraphs 94, 124, 131.]

11. Referring to claims 26, 38, the combination of Teng and *Devine* teaches wherein the HTTP request is an HTTP POST that the data includes a set of measurements obtained by the device [see *Devine* paragraphs 94, HTTP/POST and column 6, lines 39-67 and column 7, lines 1-28 and figures 2-4.]

12. Claims 27-28, 30-32, 39, 40, 41-42, are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng as applied to claims 21 and 33 above, and further in view of Kobata et al. U.S. Patent Number: 6,591,367 (hereinafter referred to as "*Kobata*").

13. Referring to claims 27, 39, Teng teaches limitations set forth above, however does not set forth the limitation of wherein the configuration server sets a configuration pending indicator when the configuration data is received from a workstation. *Kobata* teaches this limitation [see *Kobata* column 4, lines 22-33.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the device configuration system of Teng for providing protection from unauthorized use of data by a system. It is for this reason that one of ordinary skill in the art would have been motivated to use

configuration pending indicator to provide protection from unauthorized use of data by a system.

14. Referring to claim 28, the combination of Teng and *Kobata* teaches wherein the configuration server transfers the configuration data to the device in the HTTP response if the configuration pending indicator is set and transfers an acknowledgment to the device otherwise [see *Kobata* column 4, lines 22-33.]

15. Referring to claim 30, 40, 41, Teng teaches limitations set forth above, however does not set forth the limitation of wherein the HTTP response includes a configuration change message that indicates that a specified one of the additional devices has a set of pending configuration data on the configuration server. *Kobata* teaches this limitation [see *Kobata* column 4, lines 22-33.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the device configuration system of Teng for providing protection from unauthorized use of data by a system. It is for this reason that one of ordinary skill in the art would have been motivated to use configuration pending indicator to provide protection from unauthorized use of data by a system.

16. Referring to claim 31, the combination of Teng and *Kobata* teaches wherein the device transfers the configuration change message to the specified one of the additional devices via the local network [see Teng see figure 2.]

17. Referring to claim 32, 42, the combination of Teng and *Kobata* teaches wherein the specified one of the additional devices obtains the pending configuration data by

transferring an additional request message to the configuration server via the communication network [see *Kobata* column 4, lines 22-33.]

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIKETA I. PATEL whose telephone number is (571)272-4156. The examiner can normally be reached on M-F 8:00 A.M. to 6:00 P.M, with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on (571) 272 4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Niketa I. Patel/
Primary Examiner, Art Unit 2181